

Application No.: 10/532,009
Applicants: David Lawrence et al.
Filed: November 16, 2005

REMARKS

Claims 1-8, 11-12, 15, 22, 26, 29, 131-133, and 138-140 were pending in the subject application. By this amendment, Claims 12, 15, 22, 26, 29 and 138-140 have been canceled without prejudice or disclaimer, Claim 8 has been amended, and new Claims 144-149 have been added. Accordingly, upon entry of this amendment, Claims 1-8, 11, 131-133 and 144-149 will be pending.

Applicants maintain that the amendments to the claims do not raise an issue of new matter. Support for the amendment to Claim 8 can be found in compound 4 of Figure 1. Support for new Claims 144-149 can be found in original Claims 9-10 and 134-137, respectively. Accordingly, entry of the amendments is respectfully requested.

Restriction Requirement

The Examiner required restriction of the claims to one of the following groups:

- I. Claims 1-8, 11, drawn to a compound;
- II. Claims 12, 15, 22, 26, 29, drawn to a cell;
- III. Claims 131-133, drawn to a kit for conditional expression of a gene; and
- IV. Claims 138-140, drawn to a kit for conditional elimination of a target sequence in a cell.

In reply, applicants elect Group I, i.e., Claims 1-8, 11, drawn to a compound.

This election is made with traverse with respect to Group III. The claims of Group III are drawn to kits containing the compounds of Group I. Applicants maintain that a search for Group I would necessarily identify art pertinent to Group III. Applicants respectfully point out that if a search and examination of multiple groups can be made without serious burden on the Examiner, the Examiner must examine the application on the merits, even though it includes claims to independent or distinct inventions (MPEP §803). Applicants maintain that it would not place an undue burden on the Examiner to examine both Groups I and III. Reconsideration and rejoinder of Groups I and III are respectfully requested.

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Claims 1-8, 11 and 144-145 read on Group I. Claims 131-133 and 146-149 read on Group III.

Supplemental Information Disclosure Statement

In accordance with the duty of disclosure under 37 C.F.R. §1.56, applicants would like to direct the Examiner's attention to the references listed on the attached forms PTO/SB/08A-B. Copies of the non-U.S. Patent documents are attached hereto.

The subject Information Disclosure Statement is being submitted pursuant to 37 C.F.R. §1.97(b)(3) before the mailing of a first Office Action on the merits. Accordingly, no fee is deemed to be required in connection with submission of this Information Disclosure Statement.

CONCLUSIONS

No fee is deemed necessary in connection with the filing of this Amendment and Information Disclosure Statement. However, if any other fee is required with this reply or to maintain the pendency of the subject application, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 01-1785.

Respectfully submitted,

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By 
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